

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
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STATE OF NEW MEXICO, *ex rel.*
State Engineer,

CLERK-SANTA FE

Plaintiff,

v.

69cv07941 BB-ACE

RAMON ARAGON, *et al.*,

Defendants.

RIO CHAMA STREAM SYSTEM
Rio Brazos, Section 7

**DEFENDANT ROBERT F. SANCHEZ'S ANSWER TO COMPLAINT FOR
ADJUDICATION OF SURFACE WATER RIGHTS**

COMES NOW Defendant Robert F. Sanchez ("Defendant"), appearing *pro se*, and answers the Complaint for adjudication of surface water rights as follows:

1. In answer to the Complaint for adjudication of surface water rights, for both Subfile No. CHRB-005-0003A and Subfile No. CHRB-005-0003B, Defendant objects to the description of the water rights contained in the proposed Consent Orders tendered to him by Plaintiff State of New Mexico ("Plaintiff").

2. Defendant objects to the description of the water rights contained in both Subfile No. CHRB-005-0003A and Subfile No. CHRB-005-0003B for the reasons set forth in the correspondence sent by him to Edward G. Newville, a special assistant attorney general for Plaintiff, copies of which correspondence are attached to and made a part of this Answer as Exhibits A and C.

3. Defendant made a good faith effort to resolve his disagreement with the

proposed Consent Orders tendered to him by Plaintiff by exchanging correspondence with Edward G. Newville regarding the issues or points of disagreement between the parties, and by tendering to him for his review and approval a revised form of the Consent Order for Subfile No. CHRB-005-0003A. (All material issues or points of disagreement are the same with regard to the Consent Order for Subfile No. CHRB-005-0003B.) Copies of the relevant correspondence between the parties are attached to and made a part of this Answer as Exhibits A through E.

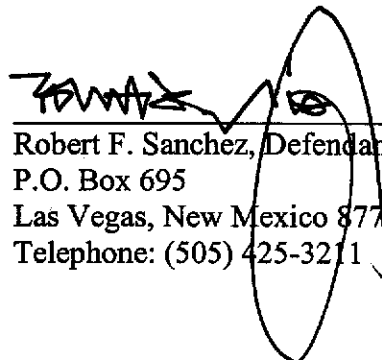
4. A copy of the revised form of the Consent Order tendered by Defendant to Edward G. Newville for his review and approval, containing corrections to certain errors or omissions made in drafting the earlier stipulated order, is attached to and made a part of this Answer as Exhibit F.

5. Defendant understands that by making this claim and filing this Answer he is not waiving his rights to later raise in an amended Answer or other pleading any jurisdictional or affirmative defenses, counterclaims, or cross-claims he may have in this lawsuit, including but not limited to a claim, however denominated, that of all the community ditches which divert surface water for irrigation from the Rio Brazos, the Ensenada (Community) Ditch, of which Defendant is a *parciante*, has the earliest priority date, at least with respect to certain irrigated acreage.

WHEREFORE, having answered the Complaint for adjudication of surface water rights, Defendant requests that the Court approve the revised form of Consent Order tendered by him to Plaintiff, as submitted or in such other form as the Court may direct;

and that the Court grant Defendant such additional relief as it may deem just and proper in the premises.

Dated this 3rd day of January, 2008.



Robert F. Sanchez, Defendant *pro se*
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